

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHEPARD,

Plaintiff,

No. 2:20-cv-01445-KJM-JDP (PC)

v.

J. KELSO, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 11, 2021, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed January 11, 2021, are adopted in full;
5 2. This action shall proceed on plaintiff's Eighth Amendment claims for deliberate
6 indifference based on failure to treat his neuropathy and damaged cornea against defendants
7 Mohyuddin, Malakkla, and Adams;
8 3. All other claims in the complaint are dismissed without prejudice;
9 4. The court concludes after reviewing the file that the appointment of counsel to
10 represent plaintiff is appropriate for the limited purpose of assisting plaintiff with discovery and
11 pretrial motion practice, if any. The matter is referred to the supervisor of this court's pro bono
12 panel, Sujean Park Castelhano, to identify an appropriate attorney; and
13 5. The matter is referred back to the assigned magistrate judge to initiate service on
14 defendants Mohyuddin, Malakkla, and Adams.

15 DATED: March 31, 2021.

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17 CHIEF UNITED STATES DISTRICT JUDGE
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